

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

MICHAEL DELOUISE, )  
                        )  
Petitioner,         )  
                        )  
v.                     ) Civil Action No. 3:18CV54-HEH  
                        )  
VIRGINIA BEACH CIRCUIT )  
COURT,                 )  
                        )  
Respondent.         )

**MEMORANDUM OPINION**  
**(Dismissing Civil Action Without Prejudice)**

Petitioner, a Virginia prisoner proceeding *pro se*, submitted a document entitled “Motion of Sentence Reduction.” (ECF No. 1.) Given the content of this document, the Court found it was appropriate to give Petitioner the opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See Rivenbark v. Virginia*, 305 F. App’x 144, 145 (4th Cir. 2008).

By Memorandum Order entered on February 16, 2018, the Court directed Petitioner, within twenty (20) days of the date of entry thereof, to complete and return the standardized form for filing a § 2254 petition. The Court warned Petitioner that the failure to comply with the terms of the February 16, 2018 Memorandum Order would result in the dismissal of the action. *See Fed. R. Civ. P. 41(b)*.

More than twenty (20) days have elapsed and Petitioner has not completed and returned the standardized form for filing a § 2254 petition or otherwise responded to the

February 16, 2018 Memorandum Order. Accordingly, the action will be dismissed without prejudice. A certificate of appealability will be denied.

An appropriate Order shall accompany this Memorandum Opinion

  
HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE

---

/s/

Date: March 29, 2018  
Richmond, Virginia